UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
[illegible] EAST ELEVENTH [illegible]
KANSAS CITY, MISSOURI [illegible]

APR 20 1983

Mr. Gary T. Mason
Environmental Coordinator
Vulcan Materials Company
P.O. Box 12283
Wichita, Kansas 67277-2283

EPA I.D. NO.: KSD007482029

Dear Mr. Mason:

This letter summarizes outstanding issues and interpretations on the incinerator and lined surface impoundments (LP1, LP2, and LP3) as discussed at the March 29, 1983, meeting and in subsequent telephone conversations.

Incinerator

In a March 31, 1983, telephone conversation with Mr. Steve Busch of this office, you discussed the options available for meeting the beneficial reuse/legitimate recycle portion of the regulations (261.6). As Mr. Busch advised you, the blending of hex waste (3,000 BTU/lb) with a high BTU methane purge for use as a fuel would not qualify as legitimate recycling due to the low energy value of the hex waste. A second option of the addition of an acid recovery facility was also discussed. Further information received from EPA Headquarters indicates that the acid recovery would not qualify as beneficial reuse. Incineration remains as the primary purpose of the acid recovery system.

The PCB test burn data from the Vulcan facility in Louisiana could be used for approval by our office if the incinerators are of the same design, and if the sampling procedures were determined to be adequate. The PCB test burn data can be considered for use as a RCRA trial burn if the test method is acceptable, if PCBs are the least incinerable Principal Organic Hazardous Constituent (POHC) and if the incinerator designs are the same.

Lined Surface Impoundments (LP1 and LP3)

Based upon our review of the mixture rule contained in the November 17, 1981, Federal Register, we concur that Vulcan meets the definition of a zero discharger, with respect to surface water discharges. We based our decision on the fact that all surface water discharges have been eliminated and Vulcan has been issued a non-discharge permit by the State of Kansas.

In evaluating if the mixture rule applies to a particular waste stream, you must first determine if the waste stream exhibits any of the characteristics of hazardous waste identified in Subpart C, or is listed in Subpart D and has not been excluded from the lists in Subpart D under 260.20 and 260.22.

For LP1 and LP3, the Part B application must include analyses from representative samples over a given period of time demonstrating that the runoff entering LP1 and LP3 does not exhibit any of the characteristics of hazardous waste identified in Subpart C.

Process Area Runoff

The process area runoff could meet the mixture rule criteria if it can be demonstrated in the Part B application that the runoff does not exhibit any of the characteristics of hazardous waste identified in Subpart C, or is not listed in Subpart D, as discussed above. The Part B application should include analyses from representative samples over a given period of time.

Closure of LP2

At the March 29 meeting, we were advised that the cooling tower waste stream would be rerouted away from LP2. The question was raised as to how LP2 could remain in operation since LP2 receives overflow from LP3. The two options available are closure of LP2 or permitting as a hazardous waste management facility. The impoundment could be closed as a storage impoundment or as a disposal impoundment. Closure as a storage impoundment would require removal or decontamination of all wastes, waste residues, contaminated liners, subsoils, structures, and equipment. Post-closure care and monitoring would not be required. After removal of all contamination as outlined above, LP2 could then be reconstructed as needed to receive overflow from LP3 without having to meet any requirements under RCRA. The second option under closure is to leave the waste in place, eliminate free liquids, stabilize the waste, place a final cap on top of the waste, and conduct post-closure monitoring and maintenance.

The final option for handling LP2 would be to obtain a RCRA permit and operate the impoundment as a hazardous waste management facility. We do not have any flexibility in the regulations to allow a surface impoundment that previously held hazardous waste to remain in operation after the hazardous waste stream is removed unless the impoundment is permitted, or as discussed above the contamination is removed.

If you have any questions regarding the surface impoundments or the Part B application, please contact Karen A. Flournoy of my staff at (816) 374-6531. Questions on incineration should be directed to Mr. Busch at the same telephone number.

Sincerely yours,

Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division

cc: John Goetz, KDHE

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REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

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